

Filed Electronically

PLEASE TAKE NOTICE that on a time and date to be set by the Court, the undersigned, attorneys for Defendant, New York Life Investment Management LLC (“NYLIM”), shall move before the Honorable William H. Walls, U.S.D.J., at the United States District Court for the District of New Jersey, Martin Luther King, Jr. Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for the entry of an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiffs’ Second Amended Complaint with prejudice. Pursuant to the Joint Stipulation and Order entered by this Court on March 23, 2015, Plaintiffs’ opposition to NYLIM’s Motion to Dismiss is due on August 18, 2015, and NYLIM’s reply in support of its Motion to Dismiss is due forty-five days after Plaintiffs file their opposition. ECF No. 20.

PLEASE TAKE FURTHER NOTICE that in support of this motion, NYLIM will rely upon the Brief in Support of Defendant’s Motion to Dismiss Plaintiffs’ Second Amended Complaint and the Declaration of Mary K. Dulka with exhibits attached thereto submitted herewith, as well as any submissions offered on reply.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is also submitted.

Dated: June 19, 2015

Respectfully submitted,

s/ Liza M. Walsh
Liza M. Walsh
Katelyn O’Reilly
CONNELL FOLEY LLP
One Newark Center
1085 Raymond Boulevard, 19th Floor
Newark, NJ 07102
Tel.: (973) 757-1100

OF COUNSEL:

James O. Fleckner (admitted *pro hac vice*)
David Rosenberg (admitted *pro hac vice*)
GOODWIN PROCTER LLP
53 State Street
Boston, MA 02109
Tel.: (617) 570-1000

Mary K. Dulka (admitted *pro hac vice*)
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
Tel.: (212) 813-8800

Attorneys for Defendant
New York Life Investment Management LLC